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PART-IIA

GOVERNMENT OF MEGHALAYA
DISTRICT COUNCIL AFFAIRS DEPARTMENT

NOTIFICATION

JAINTIA HILLS AUTONOMOUS DISTRICT COUNCIL

The 1st July, 2019.

No.JHADC/LC/06/2017/9. - In exercise of the powers conferred under Clause (e) of sub-paragraph (4) of paragraph 4 of the Sixth Schedule to the Constitution of India, the Jaintia Hills Autonomous District Council with the previous approval of the Governor of Meghalaya, is pleased to make the following rules to amend the Jaintia Hills Autonomous District (Court Fees) Rules, 1984 (hereinafter called the Principal Rules) namely:-

THE JAINTIA HILLS AUTONOMOUS DISTRICT (COURT FEES)
(FIRST AMENDMENT) RULES, 2019.

1. Short title, extent and commencement:-

- (1) These Rules may be called the Jaintia Hills Autonomous District (Court Fees) (First Amendment) Rules, 2019.
- (2) They shall extend to the whole of Jaintia Hills Autonomous District.
- (3) They shall come into force from the date of publication in the Gazette.

2. Amendment to Rule 2:- In Rule 2 of the Principal Rules after existing clause (f) of Rule 2, the following new clause (g) shall be inserted, namely:-

- (g) "tribunal" means the tribunal constituted by the Executive Committee under the provision of any Act or Rules made by the District Council.

3. Amendment to Rule 3:- In Rule 3 of the Principal Rules, after the word "appeals" the word "or" shall be deleted and punctuation words, ", revisions and any other" shall be inserted.

4. Amendment to Rule 4:- In Rule 4 of the Principal Rules, after the word "appeals" the word "or" shall be deleted and punctuation words, ", revisions and any other" shall be inserted.

5. Insertion of new Rule 4A:- After Rule 4 of the Principal Rules, the following new Rule 4-A shall be inserted as follows:-

"4A (i)-**Compulsory usages of folios for certified copy**:- For every application made for a certified copy of any order or judgement passed by any Court or Tribunal constituted by the District Council, the applicant shall furnish the requisite folios required".

(ii) **Photo certified copy** - An applicant desirous to obtain a photo certified copy of any order or judgement passed by any Court or Tribunal constituted by the District Council, shall on supplying the usual charges of certified copy fees, be supplied with the same on additional payment of two rupees per page or as may be fixed by the Executive Committee from time to time.

6. Amendment to Rule 8:- (1) In the heading of Rule 8 to the Principal Rule after the word "stamps" the words "and folios" shall be added.

(2) In clauses (a), (b), (d) and (e) of Rule 8 to the Principal Rules, after the word "stamps" the word "and folios" shall be added.

(3) In clause (c) of Rule 8 to the Principal Rules, after the word "stamps" the words "and printing of folios" shall be added.

7. Insertion of new Rule:- After Rule 8 of the Principal Rules, a new Rule 8-A shall be inserted as follows:-

"8A. Deposit of cash and Receipt of sale of stamps, fees, etc:- Until such time as the Executive Committee make regulations for regulating the supply and sale of stamps, all fees realisable under these Rules either in the District Council Court or the Subordinate District Council Court, shall be deposited in cash to the Receipt Cell of the Jaintia Hills Autonomous District Council and a receipt shall be issued and the accounts shall be maintained for the said purpose".

8. Amendment of Rule 9:- In Rule 9 of the Principal Rules, after the words "sell stamps" and the words "any stamps" the words "and folios" shall be added.

9. Amendment of Rule 10:- The existing Rule 10 to the Principal Rules shall have a new sub-rule and be numbered as sub-rule (1) and a new sub-rule (2) shall be inserted as follows:-

"(2) The Courts concerned shall declare who shall be the Officer for the purpose of sub-rule (1) of this Rule, Rules 6 and 13".

10. Amendment of Rule 15 to the Principal Rules:- In Rule 15 of the Principal Rules, after the words "reduce or remit" the words "or revise" shall be added.

11. Amendment of Schedules I and II of Rule 4:-

In the Principal Rules, for the Schedule-I (along with the table of rates of *ad volarem* fees leviable on the institution of suits) and Schedule-II, the following Schedules shall be substituted, namely:-

SCHEDULE – I**(See Rule 4)****Ad volarem Fee**

Purpose for which fees is to be levied.	Proper fee								
1. Complaint, written statement, pleading a set off or counter – claim or memorandum of appeal or of cross – objection presented to any court or Tribunal.	<table><tr><td data-bbox="727 527 1144 709">(a) When the amount or value of the subject matter in dispute does not exceed one thousand rupee.</td><td data-bbox="1214 527 1378 577">Rs.60.00</td></tr><tr><td data-bbox="727 814 1144 1094">(b) When the amount or value exceeds one thousand rupees, for every two hundred rupees, or part thereof, in excess of one thousand rupees, upto two thousand rupees.</td><td data-bbox="1214 814 1378 865">Rs.10.00</td></tr><tr><td data-bbox="727 1129 1144 1409">(c) When such amount or value exceeds two thousand rupees, for every one thousand rupees, or part thereof, in excess of two thousand rupees upto ten thousand rupees.</td><td data-bbox="1214 1129 1378 1180">Rs. 20.00</td></tr><tr><td data-bbox="727 1465 1144 1774">(d) When such amount or value exceeds ten thousand rupees, for every two thousand rupees, or part thereof, in excess of ten thousand rupees, upto seventy six thousand rupees.</td><td data-bbox="1214 1465 1378 1516">Rs. 100.00</td></tr></table>	(a) When the amount or value of the subject matter in dispute does not exceed one thousand rupee.	Rs.60.00	(b) When the amount or value exceeds one thousand rupees, for every two hundred rupees, or part thereof, in excess of one thousand rupees, upto two thousand rupees.	Rs.10.00	(c) When such amount or value exceeds two thousand rupees, for every one thousand rupees, or part thereof, in excess of two thousand rupees upto ten thousand rupees.	Rs. 20.00	(d) When such amount or value exceeds ten thousand rupees, for every two thousand rupees, or part thereof, in excess of ten thousand rupees, upto seventy six thousand rupees.	Rs. 100.00
(a) When the amount or value of the subject matter in dispute does not exceed one thousand rupee.	Rs.60.00								
(b) When the amount or value exceeds one thousand rupees, for every two hundred rupees, or part thereof, in excess of one thousand rupees, upto two thousand rupees.	Rs.10.00								
(c) When such amount or value exceeds two thousand rupees, for every one thousand rupees, or part thereof, in excess of two thousand rupees upto ten thousand rupees.	Rs. 20.00								
(d) When such amount or value exceeds ten thousand rupees, for every two thousand rupees, or part thereof, in excess of ten thousand rupees, upto seventy six thousand rupees.	Rs. 100.00								

Ad volarem Fee

Purpose for which fees is to be levied.	Proper fee
(e) When such amount or value exceeds seventy six thousand rupees, for every four thousand rupees, or part thereof, in excess of seventy six thousand rupees, upto one lakh rupees.	Rs. 200.00
(f) When such amount or value exceeds one lakh rupees, for every ten thousand rupees, or part thereof, in excess of one lakh rupees upto two lakh rupees.	Rs. 300.00
(g) When such amount or value exceeds two lakh rupees, for every twenty thousand rupees, or part thereof, in excess of two lakh rupees upto five lakh rupees.	Rs. 400.00
(h) When such amount or value exceeds five lakh rupees, for every one lakh rupees, or part thereof, in excess of five lakh rupees,	Rs. 500.00
Provided that the maximum fee leviable on the plaint or memoran-dum of appeal shall not exceed Rs. 25,000/-.	
2. Copy of judgement or order not being or having the force of a decree.	(a) When the judgement or order is passed by the Presiding Officer, Sub-ordinate District Council Court.
	Rs.20.00

Ad volarem Fee

Purpose for which fees is to be levied.		Proper fee
2. Copy of judgement or order not being or having the force of a decree.	(b) When such judgement or order is passed by the Judge, District Council Court.	Rs. 35.00
3. Copy of decree or order having the force of a decree.	(a) When the decree or order is passed by the Presiding Officer, Sub-ordinate District Council Court.	Rs. 45.00
	(b) When such decree or order is passed by the Judge, District Council Court.	Rs.55.00
	<p>Provided that in case of application for urgent certified copies/photo copies in respect of (2) and (3) above and additional fee of Rs. 22 (Rupees Twenty two) only shall be realised.</p> <p>Provided further that an additional amount of Rs. 55 (Rupees Fifty five) only shall be realised as searching fee in respect of application for copies of judgement/decreed/order, etc., disposed of more than a year from the date of the application.</p>	
4. Application for review of a judgement if presented before the sixtieth day from the date of the decree.		One half of the fee leviable on the plaint or memorandum of appeal.

Ad volarem Fee

Purpose for which fees is to be levied.	Proper fee
5. Application for review of a judgement if presented on or after the sixtieth day from the date of the decree.	The fee leviable on the plaint or memorandum of appeal.
6. Certificate under "The Indian Succession Act, 1925".	One Percentum.
When the amount or value of debt or security specified in the certificate under section 374 of the Act does exceed one thousand rupees.	
When such amount or value exceeds one thousand rupees but does not exceed ten thousand rupees.	Two Percentum.
When such amount or value exceeds ten thousand rupees but does not exceed forty thousand rupees.	Three Percentum.
When such amount or value exceeds forty thousand but does not exceed one lakh rupees.	Four Percentum.
When such amount or value exceeds one lakh rupees.	Five Percentum.

Notes:-

(1) The amount of debt is its amount, including interest, on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertain.

(2) Whether or not any power with respect to a security specified in a certificate has been confe-

Ad volarem Fee

Purpose for which fees is to
be levied.

Proper fee

Notes:-

rred under the act and where such a power has been so conferred whether the power is for receiving of interest or dividends on, or for the negotiation or transfer of the security or both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such the value can be ascertained.

"Table of rates of ad valorem fees leviable on the institution of suits".

When the amount or value of the subject matter exceeds.	but does not exceed.	Proper fee
(1)	(2)	(3)
Rs.	Rs.	Rs.
.....	1,000	60.00
1,000	1,200	70.00
1,200	1,400	80.00
1,400	1,600	90.00
1,600	1,800	100.00
1,800	2,000	110.00
2,000	3,000	130.00
3,000	4,000	150.00
4,000	5,000	170.00
5,000	6,000	190.00
6,000	7,000	210.00
7,000	8,000	230.00
8,000	9,000	250.00
9,000	10,000	270.00
10,000	12,000	370.00
12,000	14,000	470.00
14,000	16,000	570.00
16,000	18,000	670.00
18,000	20,000	770.00
20,000	22,000	870.00
22,000	24,000	970.00
24,000	26,000	1,070.00
26,000	28,000	1,170.00
28,000	30,000	1,270.00
30,000	32,000	1,370.00
32,000	34,000	1,470.00
34,000	36,000	1,570.00
36,000	38,000	1,670.00
38,000	40,000	1,770.00
40,000	42,000	1,870.00

Table of rates of ad valorem fees leviable on the institution of suits".

When the amount or value of the subject matter exceeds. (2)	but does not exceed. (2)	Proper fee (3)
Rs.	Rs.	Rs.
42,000	44,000	1,970.00
44,000	46,000	2,070.00
46,000	48,000	2,170.00
48,000	50,000	2,270.00
50,000	52,000	2,370.00
52,000	54,000	2,470.00
54,000	56,000	2,570.00
56,000	58,000	2,670.00
58,000	60,000	2,770.00
60,000	62,000	2,870.00
62,000	64,000	2,970.00
64,000	66,000	3,070.00
66,000	68,000	3,170.00
68,000	70,000	3,270.00
70,000	72,000	3,370.00
72,000	74,000	3,470.00
74,000	76,000	3,570.00
76,000	80,000	3,770.00
80,000	84,000	3,970.00
84,000	88,000	4,170.00
88,000	92,600	4,370.00
92,000	96,600	4,570.00
96,600	1,00,000	4,770.00
1,00,000	1,10,000	5,070.00
1,10,000	1,20,000	5,370.00
1,20,000	1,30,000	5,670.00
1,30,000	1,40,000	5,970.00
1,40,000	1,50,000	6,270.00
1,50,000	1,60,000	6,570.00
1,60,000	1,70,000	6,870.00

Table of rates of ad valorem fees leviable on the institution of suits".

When the amount or value of the subject matter exceeds. (3)	but does not exceed. (2)	Proper fee (3)
Rs.	Rs.	Rs.
1,70,000	1,80,000	7,170.00
1,80,000	1,90,000	7,470.00
1,90,000	2,00,000	7,770.00
2,00,000	2,20,000	8,170.00
2,20,000	2,40,000	8,570.00
2,40,000	2,60,000	8,970.00
2,60,000	2,80,000	9,370.00
2,80,000	3,00,000	9,770.00
3,00,000	3,20,000	10,170.00
3,20,000	3,40,000	10,570.00
3,40,000	3,60,000	10,970.00
3,60,000	3,80,000	11,370.00
3,80,000	4,00,000	11,770.00
4,00,000	4,20,000	12,170.00
4,20,000	4,40,000	12,570.00
4,40,000	4,60,000	12,970.00
4,60,000	4,80,000	13,370.00
4,80,000	5,00,000	13,770.00

And the fees increases @ of Rs. 500/- for every one lakh rupees or part thereof, upto a maximum of Rs.-25,000/- rupees.

SCHEDULE II

(See Rule 4)

Fixed Fees

Number (1)	(2)	Proper fee (3)
1. Application or Petition.	<p>(i) When presented to the Court in exercise of its civil or criminal jurisdiction for the purpose of obtaining any copy of document, order passed by such Court or the deposition of witnesses in any case or suit before such Court.</p> <p>(ii) When presented to the tribunal for the purpose of obtaining any documents, order passed by such tribunal or deposition of witness in any case before such tribunal.</p> <p>(iii) When presented to the Court in exercise of its civil or criminal jurisdiction for any other purpose as envisage under the civil procedure Code, or the Code of Criminal Procedure.</p> <p>(iv) When presented to any Court in any matter related to any other law.</p>	<p>Rs. 20</p> <p>Rs. 20</p> <p>Rs. 20</p> <p>Rs. 55</p>
2. Application to any Court that records may be called for from another Court.	When the Court grants the application and is of the opinion that the transmission of such records involves the use of process servers or peons of the Court.	Rs. 110
3. Bail, bond, Affidavit, or other instruments of obligation given in pursuance of an order made by a Court or Magistrate		Rs. 20

under any sections, as contemplated in the Code of Criminal Procedure, or the Code Civil Procedure.		
4. Affidavit in general.		Rs. 55
5. Undertaking under Section 49 of the Divorce Act, 1869.		Rs. 20
6. Vakalatnama.		Rs. 20
7. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented.	(i) To any Court other than the Court of the Judge, District Council Court.	Rs. 35
	(ii) To the Court, of the Judge, District Council Court.	Rs. 55
8. Plaint or Memorandum of the appeal in each of the following suits:	(i). To alter or set aside a summary decision or order of any Court other than that of the Court of the Judge, District Council Court.	Rs. 190
	(ii). To alter or cancel any document or entry in any register.	Rs. 190
	(iii). To obtain a declaration decreed where no consequential relief is prayed.	Rs. 240
	(iv). For injunction.	Rs. 120

- (v). Every other suit where it is not possible to estimate at a money value the subject matter dispute and which is not otherwise provided for in this rules. Rs. 190
9. Agreement in writing stating a question for the opinion of the Court as contemplated under the Code of Civil Procedure 1908. Rs. 190
10. Every petition where the Indian Divorce Act, 1869 except petitions under Section 44 of the same Act. Rs. 275
11. Plaint or memorandum of appeal under any law except the Criminal Procedure Code or any matter contemplated under the Code of Civil Procedure Code or law which have not been otherwise provided in these Rules. Rs. 190
12. Caveat Rs. 20
13. All adjournment application in Civil and Criminal Courts. Rs. 50

STATEMENT OF OBJECTS AND REASONS

With the passing and changing of time and the escalation of market price, amendment to the Rules and the Revision of rate of fees has become absolutely necessary. Hence, this First Amendment to the Jaintia Hills Autonomous District (Court Fees) Rules, 1984.

ROBINUS SYNGKON,
Executive Member i/c Judicial etc.
Jaintia Hills Autonomous District Council,
Jowai.